IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

Crl.MC.No. 5684 of 2000(A)

STC.1076/1995 OF JUDL. MAGISTRATE OF FIRST CLASS, KASARAGOD

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PETITIONERS/ACCUSED:

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1. **SUBRAHMANYA BHAT,**
   SON OF NARAYANA BHAT,
   PUTHRAKALA HOUSE,
   KUMBDAJE VILLAGE,
   KASARAGOD TALUK & DISTRICT.

2. **THRIVIKRAMA BHAT,**
   S/O. SUBRAYA BHAT,
   YENAKUDLU HOUSE,
   BADLADKA, PERDALA VILLAGE.

3. **MAHALINGA MANIYANI,**
   S/O. KRISHNA MANIYANI,
   YENAKUDLU HOUSE,
   BADIADKA, PERADALA VILLAGE AND POST.

4. **SUBRAHMANYA BHAT,**
   S/O. THRIVIKRAMA BHAT,
   YENAKUDLU HOUSE,
   BADIADKA, PERADALA VILLAGE AND POST.

5. **GOPALAKRISHNA MANIYANI,**
   S/O. MAHALINGA MANIYANI,
   YENAKUDLU HOUSE,
   BADIADKA, PERADALA VILLAGE AND POST.

6. **AITHAPPA NAIKA,**
   SON OF SEENA NAIKA,
   KAJAMPADY HOUSE,
   PADRE VILLAGE & POST.

prv.

CRL.M.C. NO. 5684/2000:

7. SANJEEVA, S/O. KUTTY,
KAJAMPADY HOUSE,
PADRE VILLAGE & POST.

8. GANGADHARA NAIK, S/O. APPU NAIK,
KAJAMPADY HOUSE, PADRE VILLAGE & POST.

BY ADV. SRI.P.SHRIHARI
SMT.P.VANI

RESPONDENTS/COMPLAINANT & STATE:
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1. STATE OF KERALA,
REPRESENTED BY THE
DISTRICT COLLECTOR,
KASARAGOD.

2. P. ABDUL RAHIMAN,
S/O. ABDUL KHADER,
PUTHRAKALA HOUSE,
KUMBADAJE VILLAGE,
KASARAGOD TALUK.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI,
ADV.SRI.ALAN PAPALI,
ADV.SRI.M.P.PRABHANANDAN.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 17/09/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

prv.

ORDER ON C.M.P. NO. 5189/2000 IN CRL.M.C. NO. 5684/2000

DISMISSED

17/09/2007. **SD/- K.R.UDAYABHANU, JUDGE.**

//TRUE COPY//

prv.

K.R.UDAYABHANU, J

Crl.M.C.No.5684 of 2000

Dated this the 17th day of September, 2007

O R D E R

The petitioners are the accused Nos. 1 to 8 in S.T.C.No. 1076/95 in the court of Judicial First Class Magistrate Court, Kasaragod with respect to the offences under Sections 143, 147, 447 and 427 read with Section 149 IPC on the allegation that they along with A9 Village Officer entered into the property owned by the second respondent defacto complainant and removed compound wall and destroyed eleven coconut trees. They have sought for getting the proceedings quashed. It is pointed out that A9 Village officer was ordered to be discharged by the Magistrate as he had only obeyed the superior orders that he had entered the property covered in R.S.No.17/3. The allegations are with respect to the property in resurvey No.17/2 and 17/3. The contention of the petitioners is that they have only aided A9. It is also submitted that the trial and hearing is over and the matter is posted for judgment.

2. In view of the fact that the matter is posted for orders and that trial and hearing is over, I find that no interference with respect to S.T.C.No.1076/95 is called for. The court below is directed to dispose of the matter at the earliest.

The Crl.M.C. is dismissed.

K.R.UDAYABHANU,
JUDGE

csl